

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

RICHARD TAUS,

Petitioner,

V.

TRAVERSE
No. CV 02-4492 (JBW)

**DANIEL SENKOWSKI, Superintendent of
Clinton Correctional Facility,**

Respondent.

STATE OF NEW YORK)
) ss.:
COUNTY OF CLINTON)

Petitioner by this Traverse and Memorandum of Law responds to the allegations of Respondent's Answer to the Writ of Habeas Corpus in the above entitled proceeding:

1. Due to extensive and misleading statements as to the truth of allegations and matters by the Respondent, Petitioner submit this Traverse to set the record straight as reflected in both the trial transcripts and subsequent appellate proceedings. Given the limited time to reply, with the hearing set for November 25, 2003, Petitioner will address those mischaracterization and false statements in Respondent's Answer in page and paragraph numbers starting with Respondent's "Affidavit In Opposition To Petition For A Writ Of Habeas Corpus" dated November 3, 2003, to the best of Petitioner's ability under the circumstances:

a. In the Respondent's Affidavit, petitioner admits the truth of the allegations in paragraphs 1, 5, 6, 7, 11, and 13.

b. In the Respondent's Affidavit, hereafter referred to as RA, petitioner denies the truth of the allegations in page (p.) 5, paragraph (par.) 8; p.6, para. 8, 9; p.7. par. 10 and footnote (f) 6; p.8, par. 14; p.9, par. 15.


c. Petitioner does not have sufficient knowledge to admit or deny the truth of the allegations contained in the paragraphs not noted above in the Respondent's Affidavit.

2. In Respondent's Memorandum of Law consisting of 50 pages, petitioner found numerous discrepancies throughout Respondent's "Statement Of The Case," pages 1 through 30. Respondent did not assign paragraph numbers in their Memorandum of Law, therefore references will be made to page numbers. Petitioner denies the truth of the allegations in page 1 through 30. With reference to the remaining pages 31 through 50, petitioner also denies the truth of the allegations therein.


3. Consequently, petitioner submits his attached Memorandum of Law to further explain his answers regarding Respondent's Affidavit and Memorandum of Law.

4. As to any other allegations in Respondent's Affidavit and Memorandum of Law to which Petitioner has not responded in paragraph 1-3 above, petitioner denies the truth of the allegations.

WHEREFORE, Petitioner asks that the Court sustain his Application for Writ of Habeas Corpus, and that petitioner be released from the custody of Respondent, as requested in this Application.


RICHARD TAUS, 91A1040
Petitioner, Pro Se

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 17, 2003.


RICHARD TAUS, 91A1040
Petitioner, Pro Se

cc: Denis Dillon
District Attorney, Nassau County
Attorney for Respondent
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